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HUMAN RIGHTS COMMITTEE

Consideration of reports submitted by States parties under article 40 of the Covenant

Comments of the Human Rights Committee

Guinea

1. The Committee considered the second periodic report of Guinea (CCPR/C/57/Add.2) at its 1222nd, 1223rd and 1224th meetings held on 1 and 2 April 1992 and adopted 1/ the following observations:

A. Introduction

2. The Committee thanks the Government of the State party for its frank and detailed report. However, the latter focuses more on legislation than on the effective implementation of the provisions of the Covenant and contains little information concerning factors and difficulties that impede implementation of the Covenant. In replying to questions asked by members of the Committee, the delegation of Guinea sought to supplement the written report, thereby enabling the Committee to understand better the human rights situation in Guinea.

B. Positive aspects

3. Since the consideration of the initial report, it should be pointed out that Guinea has adopted a basic law which has the value of a constitution and contains a title concerning fundamental rights and freedoms; the Law was adopted by referendum on 23 December 1990. The military courts and the State Security Court have been discontinued. The delegation announced that Guinea would soon accede to the Optional Protocol.

1/ At its 1229th meeting (forty-seventh session) held on 6 April 1992.

C. Factors and difficulties that impede implementation of the Covenant

4. According to the representative of Guinea, the legacy of the former regime, which was responsible for torturing several thousands of people and for mass disappearances, has left marks and bad habits in the Administration. Instances of violations (irregular arrests and ill-treatment) are not reported because the victims are resigned. The force of tradition and custom is an obstacle to the exercise of the rights of the Covenant concerning, more particularly, customs and the family.

D. Main grounds for concern

5. The Committee expressed concern at the general character of the provisions of article 22 of the Basic Law which permit it to limit the rights and freedoms of the individual for reasons relating to public order. It fears that implementation of these provisions might lead Guinea to enact laws instituting restrictions on rights and freedoms that go beyond those permitted by the Covenant. The Committee expressed concern at the establishment under the Basic Law of the Supreme Court of Justice which does not seem to it to comply with the requirements of article 14 of the Covenant. Several cases of ill-treatment and torture have been reported and have remained unpunished. There have been arrests and detentions for reasons of a political nature during the period covered by the report. Peaceful demonstrations have ended in bloodshed owing to excessive use of firearms by the police. The Committee is also concerned regarding the implementation of article 27 of the Covenant.

E. Suggestions and recommendations

6. The Committee recommended that, during this period of major legislative change, the Government of the Republic of Guinea take account of the provisions of the Covenant with a view to introducing them into its internal legislation. It suggested, in particular, that the Government adopt detailed regulations governing firearms to enable it to respect article 6 of the Covenant and also rules applicable to police custody and detention consistent with article 9 of the Covenant. Investigations should be ordered systematically when a violation is reported. An appropriate penalty should be imposed on the guilty when they are identified. Measures should also be taken to fully implement the guarantees provided for in article 27 of the Covenant.

7. The Committee emphasized the need to develop programmes of education concerning human rights and specific programmes to be used in training law enforcement officers with the assistance, where necessary, of the Centre for Human Rights.

8. The Government was invited to promote the development of organizations specializing in the protection and promotion of human rights.